



SUMMARY REPORT
CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

May 8, 2002
Sacramento, California

Committee Members Present

Sandra Gonzalez, Chair (departed at 2:15 p.m.)
Linda Gates, Vice-Chair
David Tatsumi

Staff Present

Doug McCauley, CAB Executive Officer
Vickie Mayer, CAB Assistant Executive Officer
Mona Maggio, LATC Program Manager
Justin Sotelo, Enforcement Coordinator
Patricia Fay, Licensing Coordinator
Don Chang, Legal Counsel (arrived at 1:30 p.m.)

Guests Present

Daniel Iacofano, Moore Iacofano Goltsman, Inc.
Ron Nishinaka, Reedley College
Cynthia Choy Ong, CAB Member
Dennis Otsuji, LATC Sunset Review Task Force Chair
Taryn Smith, Special Aide, Department of Consumer Affairs (arrived at 1:30 p.m.)
Terri Thomas, Neff/Thomas, Inc.
Richard Zweifel, LATC Education Subcommittee Chair

A. Call to Order - Roll Call - Establishment of a Quorum

Chair Sandra Gonzalez called the meeting to order at 8:20 a.m. and Mona Maggio, Landscape Architects Technical Committee (LATC) Program Manager, called the roll.

B. Chair's Remarks

Ms. Gonzalez announced that there are three agenda items that require action by the LATC at today's meeting: (D) Approval of February 8, 2002 LATC Summary Report; (E) Election of Officers; and (G) Approval of the 2002 LATC Strategic Plan.

Ms. Gonzalez thanked the LATC members, as well as LATC and Board staff, for their support during her tenure as chair. She further expressed her satisfaction with the accomplishments of the LATC in the past year and urged the LATC to continue its outreach efforts, further its

relationships with allied professions and support the Council of Landscape Architectural Registration Boards (CLARB) in examination development and administration.

C. Public Comment Session

Ms. Gonzalez welcomed Cynthia Choy Ong, newly appointed Board Liaison, to the LATC. Ms. Ong expressed that she looks forward to working with the LATC and learning about the practice of landscape architecture.

Daniel Iacofano, Principal, for Moore Iacofano Goltsman, Inc (MIG), and Strategic Planning Consultant to the LATC, introduced himself.

Terri Thomas, Principal, for Neff/Thomas Inc., and consultant to the California Council of the American Society of Landscape Architects introduced herself.

Mr. Ron Nishinaka, Instructor, Environmental Horticulture, Reedley College introduced himself. He stated that Reedley College is developing a two-year landscape architectural program in conjunction with Fresno City College, using Modesto Junior College, West Valley College, and Mesa College, as model programs. He added that an associate of science degree with a certificate in landscape architecture is also being discussed. The purpose of his visit today was to obtain direction and guidance for accreditation by the LATC.

Ms. Gonzalez thanked Mr. Nishinaka for attending today's meeting and expressed her enthusiasm for this new venture. She clarified that the LATC does not accredit landscape architectural programs, and she directed Mr. Nishinaka to the Landscape Architects Practice Act for additional information and asked him to provide additional information to Ms. Maggio for dissemination to the LATC for review and discussion at the August 15, 2002 LATC meeting. Additionally, Ms. Gonzalez directed staff to research the program approval process for community colleges.

Linda Gates announced that she accepted an invitation to speak at the Northern California Chapter of the American Society of Landscape Architects Annual Meeting and Professional Awards 2002 Presentation on May 22, 2002 in Berkeley. She stated that she sees this as an opportunity to strengthen the positive relationship the LATC has with the American Society of Landscape Architects (ASLA). Ms. Gates reported that she attended the Department of Consumer Affairs (DCA) New Board Member Orientation. One of the topics discussed was committee/board member appointments. It was suggested that professional associations/ organizations carry the lead in endorsing board appointments. Lynn Morris, Deputy Director, Board Relations expressed to Ms. Gates that DCA is very happy with the relationship between the LATC and the Board and that DCA plans to use this relationship as a model for other boards. Ms. Gates added that Ms. Morris and Kristy Wiese, Deputy Director, Legislative and Regulatory Review Division offered to meet with the Sunset Review Task Force and provide assistance with the LATC's Sunset Review Report. Ms. Gates said Ms. Morris recommended that LATC members attend DCA's Enforcement Orientation for Board Members. Ms. Gates suggested we obtain a copy of DCA's Strategic Plan for use as a resource when we develop our 2003 Strategic Plan.

D. Approval of February 8, 2002 LATC Summary Report

- ◆ **Linda Gates moved to approve the February 8, 2002 LATC Summary Report.**
- ◆ **David Tatsumi seconded the motion.**
- ◆ **The motion carried unanimously.**

E. Election of Officers

Ms. Gonzalez nominated Linda Gates for Chair and David Tatsumi for Vice-Chair of the LATC.

- ◆ **Sandra Gonzalez moved to approve the nomination of officers.**
- ◆ **David Tatsumi seconded the motion.**
- ◆ **The motion carried unanimously.**

F. Review and Approval of Focus Group Report

Mr. Iacofano presented this agenda item. Mr. Iacofano reminded the LATC that he was asked during the February 8, 2002 Strategic Planning Session to reformat the latest version of the Focus Group Report for use in updating the environmental scan of the LATC's Strategic Plan and assisting staff in completing the Sunset Review Report. Mr. Iacofano distributed a draft of the reformatted Landscape Architects Technical Committee Focus Group Meetings Summary Report, *How segments of the design and construction industries view landscape architects*. He advised the LATC that he interpreted and extrapolated information from the previous draft report and resource materials to format the report in a style that would be useful to the LATC. He requested that the LATC and staff read the draft report for clarity, value and accuracy. Suggested revisions are due to Mr. Iacofano by May 22, 2002. A second draft report will be forwarded to the LATC by June 15, 2002. The LATC will finalize the report at its next meeting.

G. Review and Approval of 2002 Strategic Plan

Mr. Iacofano presented the draft 2002 Strategic Plan and reviewed the major objectives affecting the plan for this year, including the Sunset Review Report, continued outreach efforts, and strengthening relationships with related organizations.

Mr. Iacofano asked the LATC members for any additional input. The LATC discussed some of the language, made revisions and reviewed the goals, objectives, and targeted completion dates. The 2002 Strategic Plan will be submitted to the Board for approval at its May 31, 2002 meeting.

- ◆ **Sandra Gonzalez moved to approve the 2002 Strategic Plan with the proposed revisions.**
- ◆ **Linda Gates seconded the motion.**
- ◆ **The motion carried unanimously.**

H. Develop Action and Communications Plans for Implementing 2002 Strategic Plan

Justin Sotelo presented this agenda item. The LATC discussed and updated its Action and Communication Plans in relationship to the 2002 LATC Strategic Plan. Targeted completion dates to accomplish tasks/actions necessary to achieve each objective were set and responsible parties were identified.

I. Discussion and Possible Action on Utilizing the Center for Collaboration and Education in Design (C²Ed) to Develop Public Service Announcements

Ms. Gonzalez reported that CLARB's C²ED is an online service developed in conjunction with the National Council of Examiners for Engineering and Surveying (NCEES). C²ED provides continuing education courses for professionals from any design discipline. In addition to the continuing education courses, C²ED now offers boards the option of developing public service announcements (PSA's). Ms. Gonzalez stated that examples of where PSA's might be beneficial are: to provide information to candidates on examination eligibility requirements and the examination process, and provide updated information to licensees, candidates and consumers regarding the LATC. Ms. Gonzalez stated that the development of a PSA is not to replace Web site information, but to enhance communication between the LATC, consumers and licensees. She added that during CLARB's 2002 Spring Regional Meeting, Executive Director Buck Chaffee gave an overview of the C²ED PSA and the audience viewed the PSA developed by the Kansas Board of Technical Professions. Ms. Maggio added that the initial cost to develop a PSA is \$2000 to \$3000 and yearly maintenance costs are estimated at \$1000. Ms. Gonzalez recommended that the LATC keep the option of developing a PSA in mind for future use.

J. Report on California Council of the American Society of Landscape Architects (CCASLA) Conference Calls

Dennis Otsuji reported that he participated in a conference call with the CCASLA on May 6, 2002. He provided an update on the Sunset Review Process and the proposed amendment to the California Code of Regulations (CCR) section 2649 (Fees) to reduce license renewal fees for one biennial renewal period. Mr. Otsuji stated that some conference call participants were unclear as to why the LATC was seeking to reduce the fund reserve. He provided an overview of the budget process to clarify the difference between the LATC's authorized expenditure (budget) and its fund reserve.

Mr. Otsuji stated that he shared with the participants the scope of practice questions posed by consumers and licensees to the LATC staff. Participants suggested that the LATC begin strengthening scope of practice laws and regulations. Mr. Otsuji reported that he extended an

invitation to the CCASLA to assist with the process after the LATC and staff conducts its internal review of the Landscape Architects Practice Act.

K. Program Manager's Report

Ms. Maggio welcomed Ms. Ong as the new Board Liaison to the LATC. Ms. Maggio reported that she and Ms. Gonzalez attended the CLARB 2002 Spring Regional Meeting in Cincinnati, Ohio on March 1-3, 2002. Ms. Maggio announced that Ms. Gonzalez was elected Alternate Director for Region V and was nominated for 2nd Vice President of CLARB. Elections for Board Officers will be held during CLARB's 2002 Annual Meeting on September 12-15, 2002 in New Orleans. She added that Ms. Gonzalez accepted an invitation to serve on CLARB's Strategic Planning Committee. Ms. Gonzalez reported that the last update to CLARB's Strategic Plan was five years ago and that the Strategic Plan Committee met in conjunction with the CLARB 2002 Spring Regional Meeting on March 1-3, 2002 and again on March 23-24, 2002 in Washington D.C. A final meeting will be held on June 8-9, 2002 in Vermont with the final draft being presented at the annual meeting in September.

Ms. Gonzalez offered an overview of the CLARB 2002 Spring Regional Meeting general session, the Region V meeting agenda, CLARB's strategic planning process and CLARB President John Carmen's vision for the next year.

Ms. Maggio reported that Doug McCauley will track legislation for both the Board and the LATC. Additionally, Mr. McCauley asked Terri Thomas to keep the LATC apprised of pending legislation that she is tracking for CCASLA.

Ms. Maggio announced that the Spring 2002 Newsletter is scheduled to be mailed in May 2002.

Ms. Maggio added that staff is continuing to work on the Sunset Review Report. Mr. Otsuji added that he will contact Task Force members and obtain the status of their assignments. If necessary, he will reassign sections and seek additional volunteers. Mr. McCauley emphasized that although we have a one-year extension with Senate Bill 2025, we must focus on completing the bulk of the report.

Mr. McCauley advised the LATC that staff met to discuss the format of the consumer satisfaction survey and that Ms. Maggio and Mr. Sotelo would be working on finalizing the survey.

Mr. McCauley reported that an ongoing issue is a difference of opinion between the Board and the profession as to the meaning of Business and Professions Code (BPC) section 5588 (Report of Settlement or Arbitration Award). Mr. McCauley stated he received a copy of the legislation The American Institute of Architects, California Council is sponsoring to change the reportable dollar amount from \$5,000 to \$10,000. Additionally, the Board wants to clarify the language in BPC section 5588. The LATC will continue to monitor this issue.

Ms. Maggio concluded by adding that standard and red line reviews will be held May 20-21, 2002 and that she and Mr. Sotelo were conducting interviews to fill the vacant staff services analyst position within the LATC.

L. Enforcement Program Report

Mr. Sotelo reported that one of the immediate needs for the LATC is to review BPC section 5641 (Exemptions). Mr. Sotelo stated he receives numerous telephone inquiries from licensees, designers, and consumers who challenge the law in various ways, but mainly in residential settings. Questions include whether or not unlicensed individuals can design specific types of hardscape, and conceptual/artistic renderings that include more than just plant selection and placement. Mr. Sotelo added that there is a need for consistency with other design professionals exemptions, i.e., architects and engineers. He added that greater clarity would be advantageous to the LATC from an enforcement standpoint and in responding to the Sunset Review Report questions. Mr. Sotelo reported that he often consults with Mr. Otsuji before being able to reply to many of the inquires he receives because the law is so vague. Mr. Otsuji added that most of the questions he assists staff with require a professional's assistance because the law is not clear especially in the area of residential.

Ms. Maggio stated that staff has discussed the possibility of hiring a consultant to assist with the telephone inquiries. Mr. Otsuji responded that he does not mind assisting staff with the responses and he believes having the knowledge of what staff is facing will be beneficial in developing a Frequently Asked Questions Guide, as identified in the 2002 Strategic Plan.

The LATC directed staff to place this issue on the next agenda and provide: 1) a list of the questions received and the responses provided to callers; and 2) sample exemptions from other landscape architectural boards that could work for California.

M. Discussion and Possible Action on Department of Consumer Affairs Proposed Standards for Consumer Complaint Disclosure

Ms. Maggio introduced Taryn Smith, Special Aide to the Director of DCA. Ms. Smith presented an overview of DCA's current Consumer Complaint Disclosure Policy developed in 1979 and the proposed standards for the revised consumer complaint disclosure policy. DCA is proposing that regulatory programs disclose at a minimum, complaint information when it has been determined that: 1) a substantiated consumer transaction has occurred, 2) the business has been provided an opportunity to respond to the complaint, 3) a probable violation of law has occurred or there is a possible risk of harm to the public, and 4) the complaint will be referred for legal action. Ms. Smith added when disclosing information to consumers it should be in a "story form" that is easily understood. Ms. Smith stated the DCA definition of complaint disclosure is what we tell inquiring consumers about our licensees and at what point in the complaint handling process we disclose the information.

Ms. Smith reported that DCA Director Kathleen Hamilton considers complaint disclosure a powerful tool for consumer protection and in 2000, Ms. Hamilton directed her staff to begin evaluating and revising DCA's existing disclosure policy. DCA staff met with consumer leaders including district attorneys, consumer advocate groups, the Center for Public Interest Law, consumer unions and staff from the Office of the Attorney General. Results of these meetings identified that the department as a whole needed to look at the complaint disclosure practices of each of its individual regulatory programs and develop some form of consistency across the board. Concerns from stakeholders were that the average consumer did not easily understand

information currently provided under complaint disclosure policies. Additionally, a report prepared by the Bureau of State Audits in November 2001, found that the department was not fulfilling its consumer protection mandate because it was allowing boards and bureaus to develop their own disclosure policies without consistency from one program to another. Ms. Smith stated that DCA staff surveyed the boards/bureaus/committees under the umbrella of the department as to each agency's complaint disclosure policy. Public hearings were launched and Ms. Hamilton met with board executive officers and bureau chiefs. DCA analyzed all of the collected data and the result is the proposed standards for consumer complaint disclosure. DCA researched technology needed to implement and maintain the proposed complaint disclosure policy and has purchased a new server to handle online requests from consumers. Ms. Smith advised the LATC that DCA is conducting a pilot program with the Hearing Aid Dispensers Bureau.

Ms. Smith reported that the Legislature and the media are also very interested in disclosure. Senate Bill 2059 (Figueroa) would require boards and bureaus to codify their disclosure policies in their regulations. She added that the Medical Board of California is currently being encouraged by the Legislature to disclose more information regarding malpractice settlements.

Ms. Smith added that the LATC's disclosure policy is in its regulations and already meets the department's recommended minimum standard for disclosure. She added that the LATC may need to review the type of information disclosed. She suggested the LATC review its policy and identify what information we currently collect that might assist a consumer in deciding whether or not to hire a licensee.

Vickie Mayer provided an overview of the Board's disclosure policy. Ms. Smith added that the department applauds the Board for its policy.

The LATC will continue to monitor the department's efforts and will follow the Board's lead on this issue. Mr. Otsuji will attend the Board's upcoming Regulatory and Enforcement Committee meetings.

N. Announcement of Future Meetings

The LATC will attend the California Architects Board meeting on August 14, 2002 in Sacramento. The LATC will meet the following day on August 15, 2002 in Sacramento. Mr. Otsuji suggested the LATC meet in October to coincide with the 2002 ASLA Annual Meeting and Expo in San Jose to further our outreach with the association.

O. Adjournment

The meeting adjourned at 3:20 p.m.